



Report to the Legislature

**VIOLATIONS, PENALTIES, and ACTIONS
Relating to PERSONS on CONDITIONAL
RELEASE to a LESS RESTRICTIVE PLACEMENT**

RCW 71.09.325(4)

December 1, 2002

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INTRODUCTION

This report is submitted in fulfillment of the requirements of RCW 71.09.325(4). Specifically, the Department of Social and Health Services (DSHS) is directed to compile information in writing of all violations of conditions of release committed by a person who is living in a less restrictive alternative (LRA). In addition, the department is required to report any penalties and actions taken by the department to remove a person from a LRA setting. The report is to be issued on an annual basis to the Office of Financial Management and the appropriate committees of the legislature. The violations cited in this report are those committed in the period from November 1, 2001 to October 31, 2002. In order to have the most current status of action taken, the report does reflect action that has been taken before issuance of the report on December 1, 2002.

DEFINITIONS

For the purpose of this report the following definitions from the Special Commitment Center (SCC) policies are used.

- a. **Less Restrictive Alternative (LRA).** Court-ordered treatment in a setting less restrictive than total confinement that satisfies the conditions set forth in RCW 71.09.092. LRAs include private homes, secure community transition facilities (SCTF), and other court-authorized settings including contracted residential settings with twenty-four hour staffing.
- b. **Secure Community Transition Facility (SCTF).** A residential facility for persons conditionally released to a less restrictive alternative, including the McNeil Island SCTF and any community-based facilities established under Chapter 71.09 RCW and operated by or under contract with DSHS.
- c. **Private Home.** The LRA resident's own home or the home of a family member or other person that the court of commitment has approved as a less restrictive alternative placement.
- d. **General Violation.** Failure to comply with a condition of release set by the court of commitment, by DSHS, or by the Department of Corrections. A general violation may include a resident's failure to comply with a treatment plan requirement, posting, written instruction or verbal instruction given by an authorized person. A general violation is distinct from a serious violation.
- e. **Serious Violation.** A violation by a LRA resident that includes but is not limited to the commission of any criminal offense; any unlawful use or possession of a controlled substance; or any violation of a court-

ordered condition that targets the individual's documented pattern of offense that increases the risk to public safety. For purposes of this SCC policy, an accumulation of infractions of rules or any behavior that, in the judgment of the SCC superintendent, represents a risk to public safety may be considered a serious violation.

CURRENT STATUS

During the period November 1, 2001 to October 31, 2002, there were nine individuals in court-ordered LRA settings. Three persons resided in private homes. Three lived in contracted residential settings with twenty-four hour staffing. In addition, three individuals resided in the McNeil Island SCTF during this time period. The six individuals who lived in community-based settings off of McNeil Island were conditionally released from SCC between August 1996 and May 2001.

Three of the persons living in LRA settings incurred violations during the reporting period. A chronology and description of the violations and action taken by the department appear in Table 1. For the purposes of this report, alpha characters were used in lieu of the names of the individuals.

The department did not terminate any contracts with any service providers during this reporting period. In addition, there were no sanctions issued to service providers.

Table 1. Serious Violations
November 1, 2001 to October 31, 2002

<u>Resident</u>	<u>LRA Setting</u>	<u>Violation</u>	<u>Action Taken</u>
A	McNeil Island SCTF	On two occasions Resident A failed to implement relapse prevention strategies while in the presence of children in community settings.	The court of commitment, the sex offender treatment provider (SOTP), and community corrections officer (CCO) were notified of the violations and planned interventions. On September 9, 2002, the treatment team for Resident A adopted several strategies to address his behavior: restriction of Resident A to the SCTF on McNeil Island except to meet with his SOTP and Community Corrections Officer (CCO); requirement for SCTF treatment staff to accompany Resident A and his escorts on subsequent off-island trips; and assignment of a SCC therapist to provide additional counseling to Resident A.
B	Contracted Residential Home in the Community	Resident B violated court conditions of release: failure to adhere to written and verbal agreements with his assigned SOTP; and failure to report deviant fantasies and sexual arousals.	The CCO for Resident B requested the court to order the resident to be returned to SCC for violating court-ordered conditions. On September 30, 2002, Resident B re-entered the SCC and is scheduled for a hearing on December 20, 2002, to determine the status of his civil commitment.
C	McNeil Island SCTF	Resident C violated court conditions of release: demonstrated a pattern of repeated failure to comply with and follow through on program requirements imposed by the SCTF; provided deceptive comments to SCTF staff and his therapist; and over an extended period of time displayed a pattern of inappropriate behaviors and committed several general violations of SCTF policies.	On October 29, 2002, Resident C was taken into custody and returned to SCC. The court of commitment will set a hearing date to determine the status of his civil commitment.